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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20015

MAY 11 1993

In the Matter of )  
 )  
Co-Channel Protection )  
Criteria for Part 90, )  
Subpart S Stations )  
Operating above 800 MHz )

PR Docket No. 93-60

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

MOTION FOR EXTENSION OF TIME

The National Association of Business and Educational Radio, Inc. ("NABER"), in conjunction with the Industrial Telecommunications Association, Inc. ("ITA"), the American Mobile Telecommunications Association, Inc. ("AMTA"), and Motorola, Inc. (hereinafter, the "Joint Petitioners"), pursuant to Section 1.46 of the Commission's rules, 47 C.F.R. § 1.46, respectfully requests the Commission to extend the date by which Comments and Reply Comments are due in response to the Notice of Proposed Rule Making ("Notice") adopted by the Commission on March 11, 1993 in the above-styled proceeding.<sup>1</sup> The Joint Petitioners request the Commission extend the Comment date from May 28, 1993 to July 13, 1993, and the Reply Comment date from June 14, 1993 to July 28, 1993.

NABER is a national, non-profit, trade association headquartered in Alexandria, Virginia. NABER comprises over 6,000 of large and small businesses and service providers holding thousands of licenses in the private land mobile services. NABER is the Commission's recognized frequency coordinator for the 800

<sup>1</sup> Notice of Proposed Rule Making (FCC 93-140). PR Docket No.

MHz and 900 MHz Business Pools, 800 MHz "old" conventional channels for Business eligibles and conventional SMR Systems, and for the 929 MHz paging frequencies.

ITA, formerly the Special Industrial Radio Service Association, Inc., is a non-profit organization organized under the laws of the District of Columbia. ITA is the Commission's certified frequency coordinator for the Industrial/Land Transportation 800/900 MHz frequency "pools" and the frequency coordinator for the Special Industrial Radio Service. ITA enjoys the support of a membership that includes more than 9,000 licensed two-way land mobile radio communications users and a number of trade associations.

AMTA is a nationwide, non-profit trade association dedicated to the interests of the SMR industry. The Associations' members operate 800 MHz and 900 MHz SMR systems throughout the country.

Motorola, Inc. is both an equipment manufacturer and a Commission licensee holding authorizations in the 800 MHz and 900 MHz bands.

~~Together the Joint Petitioners represent a majority of the~~

frequency pools was adopted.<sup>2</sup> In the SMR short-spacing proceeding, members of the industry, including representatives of NABER, AMTA, and Motorola, formed a committee to analyze the technical requirements concerning co-channel separation for SMR stations. The group was able to reach a consensus supporting a 40/22 dBu contour as an appropriate criteria.

The current Notice considers the application of the co-channel interference standards adopted for SMR channels to all 800/900 MHz channels governed by Subpart S of the rules. The Commission proposes to adopt a set mileage criteria of 70 miles for separation between co-channel stations, but would permit co-channel stations to be short-spaced if the technical criteria of the proposed station and the existing station meets the 40/22 dBu Table proposed or the co-channel licensee gives written concurrence to the short-space. Unlike the Table adopted in SMR short-spacing procedure, the proposed Table takes into consideration the

of the many derivatives of Technote 101, including the Longley-Rice computer prediction model, the Hata model, the Bullington model or the Okimura model would be more suitable for typical land mobile propagation predictions. These issues are not easily resolved and will require careful technical evaluation.

The comments to this Notice are due on May 28, 1993, with Reply Comments due on June 14, 1993. The Joint Petitioners seek a forty-five (45) day extension to the Comment date because the Commission has requested comments on technical issues that require thorough examination. The Joint Petitions have reconvened the technical committee to again consider the Commission's proposal with the objective that, like the SMR short-spacing proceeding, an industry consensus can be achieved and presented to the Commission.

However, there are a number of other on-going rule making proceedings affecting the Private Land Mobile Radio Services in which each of the above organizations are actively participating. Of particular importance to each of the Joint Petitioners is the Commission's Refarming/Part 88 proceeding (PR Docket No. 92-235). Comments to the Notice in aforesaid proceeding are also due May 28, 1993. With the number and magnitude of the issues that must be addressed in PR Docket No. 92-235, the equally important issues in this proceeding may not receive the attention they otherwise would, time permitting. Therefore, the Joint Petitioners are concerned that the Commission will not receive the full benefit of comments in the PR Docket 93-60 proceeding should the comment date be the same as the Refarming proceeding. The Joint Petitioners believe

that the Commission and the public will benefit by a consensus being reached by the industry on co-channel separation criteria in these bands. Thus, the Commission should provide additional time to permit this consensus to be formed.

Additionally, the Commission has ordered that effective the date of adoption of this Notice, no applications will be accepted for 800/900 MHz systems that do not meet the conditions of 47 C.F.R. § 90.621(b). Therefore, the delay will not adversely affect either existing licensees or future applications because applicants cannot continue to "grandfather" themselves during the period that the Commission is considering its action. A forty-five day delay will not cause any party irreparable harm, as the Commission is still accepting applications and the applicant, at its discretion, may engineer its system to meet the provisions of the rules. This is not a situation where the Commission declines to accept any applications. The Joint Petitioners support the continuation of the Commission's requirement that all applications for 800/900 MHz systems meet the conditions of 47 C.F.R. § 90.621(b).

For the reasons set forth above, the Joint Petitioners believe that the public interest will best be served by providing interested and affected parties to this proceeding a brief, additional period in which to study, analyze and respond to the Notice. Therefore, the Joint Petitioners request a forty-five (45) day extension on the Comment date in this proceeding.

WHEREFORE, the National Association of Business and Educational Radio, Inc., the Industrial Telecommunications Association, the American Mobile Telecommunications Association, Inc., and Motorola, Inc. respectfully request the Commission extend the Comment date in this proceeding to July 13, 1993, and the Reply Comment date to July 28, 1993.

Respectfully submitted,

THE JOINT PETITIONERS

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